



**Order under Section 89
Residential Tenancies Act, 2006**

File Number: LTB-L-026772-25

In the matter of: 17, 105 GRAND AVE
LONDON ON N6C1L9

Between: Amiraco Properties Inc. Landlord

And

Brian Noxell Former Tenants
Melissa Lumley

Amiraco Properties Inc. (the 'Landlord') applied for an order requiring Brian Noxell and Melissa Lumley (the 'Former Tenants') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on February 9, 2026.

Only the Landlord's Agent Jennifer Grant attended the hearing.

As of 10:14 am, the Former Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Landlord. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence

Determinations:

1. As explained below, the Landlord did not serve the Former Tenants with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's *Rules of Procedure*. Therefore, the Landlord's application is dismissed.
2. The Former Tenants vacated the rental unit on April 30, 2024.
3. This application was filed by the Landlord on March 31, 2025, and previously came before the Board on November 12, 2025, at that time the Landlord had not served all Former Tenants a copy of the application, evidence, or Notice of Hearing. The Landlord was provided an adjournment so that they could serve all Former Tenants. The Landlord was also informed that failure to serve the Former Tenants would result in the application being dismissed.

4. At the hearing on February 9, 2026, the Landlord's Agent advised that the Landlord had attempted to send the application and Notice of Hearing to all Former Tenants. The Landlord's Agent submitted that the Landlord was only able to send the documents by email to one Former Tenant, Brian Noxell. The Agent acknowledged that the Landlord had not been able to locate or communicate with the other Former Tenant, Melissa Lumley, and had not served her with the application or Notice of Hearing. The Landlord's Agent further submitted that the Landlord had exhausted its efforts to contact the Former Tenant, Melissa Lumley and requested a further adjournment to permit the Landlord to seek permission to use an alternative method of service for both Former Tenants.
5. I denied the request for a further adjournment. The Landlord has had since the application was filed to serve both Former Tenants. The Landlord was provided an adjournment for that purpose and was advised of the consequences of failing to serve the Former Tenants. Given the prior adjournment and the absence of reliable evidence that both Former Tenants were served with the application and Notice of Hearing in accordance with the Act and the Board's *Rules of Procedure*, I was not satisfied that a further adjournment was appropriate. Therefore, as the Landlord failed to prove proper service of the application and the Notice of Hearing to the Former Tenants, the application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 2, 2026
Date Issued

Joshua Labbe
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.